

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:15-CR-172-F-15

UNITED STATES OF AMERICA )  
)  
)  
vs. )  
)  
MAURICE SHAUNT BLANKS, )  
)  
Defendant. )  
\_\_\_\_\_ )

**ORDER**

Before the court is Defendant's motion to appoint new counsel. [DE 576]. On August 18, 2016, the court held a hearing on the motion, attended by Defendant, defense counsel James Ayers, II and AUSA Leslie Cooley. During the hearing, Defendant orally moved to withdraw his plea. The court orally denied both motions. This order memorializes the court's oral order.

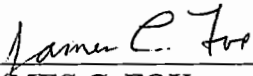
Defendant indicated he desired new counsel due to Mr. Ayer's refusal to file a motion for withdrawal of plea entered by Defendant during his arraignment hearing on June 6, 2016. Defendant claimed the Government is holding him accountable for a drug quantity inconsistent with the terms of his written plea agreement. Mr. Ayers advised there is no basis for the filing of a motion for withdrawal of plea. Rather, explained Mr. Ayers, Defendant's concern arises from a draft presentence report ("PSR"), to which Mr. Ayers has filed an objection on Defendant's behalf. In particular, Mr. Ayers stated – and Ms. Cooley agreed – the PSR attributes Defendant with a crack cocaine weight in direct contradiction with the Government's representation of facts during the arraignment. *See* Arraignment Tr. at 16 [DE 578] ("Investigators had an opportunity to interview some cooperating federal defendants. Those cooperating defendants indicated that *Mr. Blanks' involvement was marijuana solely, not – he was not actually involved in the crack cocaine aspect of this.*") (emphasis added). The court explained to Defendant that his drug

quantity will be considered at sentencing.

For the reasons stated above and at the hearing, Defendant's motion to appoint new counsel [DE 576] and his motion for withdrawal of plea are DENIED. This case will proceed to sentencing, which is scheduled for August 31, 2016 at 10:00 a.m. in Wilmington.

SO ORDERED.

This the 18th day of August, 2016.

  
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**JAMES C. FOX**  
Senior United States District Judge